

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**NINTH LEGISLATIVE DAY  
TUESDAY, JANUARY 16, 2007**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Cameron, Coiner, Fulcher, Gannon, and Langhorst, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Paden Carlson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 15, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Coiner and Fulcher were recorded present at this order of business.

January 16, 2007

The JUDICIARY AND RULES Committee reports that **S 1006**, **S 1007**, **S 1008**, and **S 1009** have been correctly printed.

DARRINGTON, Chairman

**S 1006**, **S 1007**, **S 1008**, and **S 1009** were referred to the Judiciary and Rules Committee.

January 15, 2007

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Robert "Bob" C. Barowsky to the Idaho Fish and Game Commission, term to expire June 30, 2010;

Randall C. Budge to the Idaho Fish and Game Commission, term to expire June 30, 2010.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

Senators Gannon and Langhorst were recorded present at this order of business.

January 16, 2007

Mr. President:

I transmit herewith **HCR 6** which has passed the House.

JUKER, Chief Clerk

**HCR 6** was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1010

#### BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE FOR WILDLIFE MANAGEMENT AREA (WMA) UPLAND GAME BIRD PERMITS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 36-416, IDAHO CODE, TO PROVIDE A FEE FOR WMA UPLAND GAME BIRD PERMITS.

#### S 1011

#### BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1101, IDAHO CODE, TO REVISE TERMINOLOGY RELATING TO SPECIAL PERMITS AUTHORIZING PHYSICALLY DISABLED PERSONS TO HUNT FROM MOTORIZED VEHICLES WHICH ARE NOT IN MOTION, TO PROVIDE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION.

**S 1012****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE UNIFORM FOREIGN COUNTRY MONEY JUDGMENTS RECOGNITION ACT; REPEALING CHAPTER 14, TITLE 10, IDAHO CODE; AMENDING TITLE 10, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 10, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE APPLICABILITY, TO SET FORTH STANDARDS FOR RECOGNITION OF FOREIGN COUNTRY JUDGMENTS, TO PROVIDE FOR PERSONAL JURISDICTION, TO SET FORTH A PROCEDURE FOR RECOGNITION OF FOREIGN COUNTRY JUDGMENTS, TO PROVIDE FOR THE EFFECT OF RECOGNITION OF FOREIGN COUNTRY JUDGMENTS, TO PROVIDE FOR A STAY OF PROCEEDINGS PENDING APPEAL OF A FOREIGN COUNTRY JUDGMENT, TO PROVIDE A STATUTE OF LIMITATIONS, TO PROVIDE FOR UNIFORMITY OF INTERPRETATION, TO PROVIDE A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AND APPLICABILITY.

**S 1013****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE UNIFORM ASSIGNMENT OF RENTS ACT; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 31, TITLE 55, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR NOTIFICATION, TO PROVIDE FOR THE CREATION OF ASSIGNMENT OF RENTS AND SECURITY INTERESTS, TO PROVIDE FOR RECORDATION, PERFECTION OF SECURITY INTERESTS AND PRIORITY OF CONFLICTING INTERESTS, TO PROVIDE FOR ENFORCEMENT OF SECURITY INTEREST IN RENTS, TO PROVIDE FOR ENFORCEMENT BY APPOINTMENT OF RECEIVER, TO PROVIDE FOR ENFORCEMENT BY NOTIFICATION TO ASSIGNOR OR TENANT, TO SET FORTH SATISFACTORY FORM OF NOTIFICATION TO TENANT, TO PROVIDE FOR EFFECT OF ENFORCEMENT, TO PROVIDE FOR APPLICATION OF PROCEEDS, TO PROVIDE FOR THE APPLICATION OF PROCEEDS TO PAYMENT OF EXPENSES OF PROTECTING REAL PROPERTY, TO SET FORTH CLAIMS AND DEFENSES OF TENANT, TO PROVIDE FOR TURNOVER OF RENTS, COMMINGLING AND IDENTIFIABILITY OF RENTS AND LIABILITY OF ASSIGNOR, TO PROVIDE FOR THE PERFECTION AND PRIORITY OF ASSIGNEE'S SECURITY INTEREST IN PROCEEDS, TO PROVIDE THAT PRIORITY IS SUBJECT TO SUBORDINATION, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION, TO PROVIDE FOR RELATION OF ACT TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT AND TO SET FORTH APPLICATION TO EXISTING RELATIONSHIPS.

**S 1014****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO CRIME VICTIM COMPENSATION; AMENDING SECTION 72-1023, IDAHO CODE, TO REMOVE LANGUAGE REQUIRING THE COMMISSION TO PAY A PROPORTIONAL SHARE OF COSTS AND FEES IF IT RECOVERS UNDER ITS SUBROGATION INTEREST WHERE A CLAIMANT INSTITUTES THE ACTION.

**S 1015****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO CRIME VICTIM COMPENSATION; AMENDING SECTION 19-5304, IDAHO CODE, TO CLARIFY THAT THE CRIME VICTIMS' COMPENSATION ACCOUNT IS ENTITLED TO RESTITUTION FOR PAYMENTS MADE TO OR ON BEHALF OF A DIRECTLY INJURED VICTIM AS A RESULT OF A DEFENDANT'S CRIMINAL CONDUCT.

**S 1016****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO THE MANAGEMENT OF INSTITUTIONAL FUNDS; REPEALING CHAPTER 50, TITLE 33, IDAHO CODE, PROVIDING FOR THE UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS ACT; AND AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 50, TITLE 33, IDAHO CODE, TO PROVIDE FOR THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE A STANDARD OF CONDUCT IN MANAGING AND INVESTING AN INSTITUTIONAL FUND, TO PROVIDE FOR APPROPRIATION FOR EXPENDITURE OR ACCUMULATION OF AN ENDOWMENT FUND, TO PROVIDE RULES OF CONSTRUCTION, TO PROVIDE FOR THE DELEGATION OF MANAGEMENT AND INVESTMENT FUNCTIONS, TO PROVIDE FOR RELEASE OR MODIFICATION OF RESTRICTIONS ON MANAGEMENT, INVESTMENT OR PURPOSE OF A FUND, TO PROVIDE FOR REVIEWING COMPLIANCE, TO PROVIDE APPLICATION TO EXISTING INSTITUTIONAL FUNDS, TO ADDRESS RELATION OF CHAPTER TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT AND TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION.

**S 1017****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO ANATOMICAL GIFTS; REPEALING CHAPTER 34, TITLE 39, IDAHO CODE, RELATING TO THE IDAHO ANATOMICAL GIFT ACT; AND AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 39, IDAHO CODE, TO SET FORTH THE REVISED UNIFORM ANATOMICAL GIFT ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE APPLICABILITY, TO SET FORTH WHO MAY MAKE AN ANATOMICAL GIFT BEFORE A DONOR'S DEATH, TO PROVIDE FOR THE MANNER OF MAKING AN ANATOMICAL GIFT BEFORE A DONOR'S DEATH, TO PROVIDE FOR AMENDING OR REVOKING AN ANATOMICAL GIFT BEFORE A DONOR'S DEATH, TO PROVIDE FOR REFUSAL TO MAKE AN ANATOMICAL GIFT AND THE EFFECT OF SUCH REFUSAL, TO PROVIDE FOR PRECLUSIVE EFFECT OF ANATOMICAL GIFT, AMENDMENT OR REVOCATION, TO SET FORTH WHO MAY MAKE AN ANATOMICAL GIFT OF A DECEDENT'S BODY OR PART, TO SET FORTH THE MANNER OF MAKING, AMENDING OR REVOKING AN ANATOMICAL GIFT OF A DECEDENT'S BODY OR PART, TO SET FORTH REQUIREMENTS FOR INFORMED CONSENT, TO SET

FORTH PERSONS THAT MAY RECEIVE AN ANATOMICAL GIFT AND THE PURPOSE OF SUCH GIFT, TO REQUIRE SEARCH AND NOTIFICATION, TO PROVIDE THAT THE DELIVERY OF A DOCUMENT OF GIFT IS NOT REQUIRED, TO PROVIDE FOR THE RIGHT TO EXAMINE A DOCUMENT OF GIFT OR REFUSAL, TO SET FORTH RIGHTS AND DUTIES OF PROCUREMENT ORGANIZATIONS AND OTHERS, TO PROVIDE FOR COORDINATION OF PROCUREMENT AND USE, TO PROHIBIT THE SALE OR PURCHASE OF PARTS, TO PROHIBIT OTHER ACTS, TO PROVIDE IMMUNITY, TO PROVIDE FOR LAW GOVERNING VALIDITY OF A DOCUMENT OF GIFT, TO PROVIDE FOR CHOICE OF LAW, TO PROVIDE PRESUMPTION OF VALIDITY, TO PROVIDE FOR A DONOR REGISTRY, TO SET FORTH THE EFFECT OF AN ANATOMICAL GIFT ON AN ADVANCE HEALTH CARE DIRECTIVE, TO REQUIRE COOPERATION BETWEEN THE CORONER AND PROCUREMENT ORGANIZATION, TO PROVIDE FOR THE FACILITATION OF AN ANATOMICAL GIFT FROM A DECEDENT WHOSE BODY IS UNDER THE JURISDICTION OF THE CORONER, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION AND TO PROVIDE FOR RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

#### **S 1018**

##### **BY JUDICIARY AND RULES COMMITTEE AN ACT**

RELATING TO REAL PROPERTY RECORDING; AMENDING TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 29, TITLE 31, IDAHO CODE, TO SET FORTH THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR THE VALIDITY OF ELECTRONIC DOCUMENTS, TO PROVIDE FOR THE RECORDING OF DOCUMENTS, TO CREATE THE ELECTRONIC RECORDING COMMISSION, TO PROVIDE FOR COMMISSION OFFICERS, TO PROVIDE FOR STANDARDS AND PRACTICES OF RECORDS AS PRESCRIBED BY THE COMMISSION, TO PROVIDE FOR UNIFORMITY OF APPLICATION AND CONSTRUCTION AND TO PROVIDE FOR RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

#### **S 1019**

##### **BY JUDICIARY AND RULES COMMITTEE AN ACT**

RELATING TO BUSINESS ENTITIES; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 30, IDAHO CODE, TO PROVIDE FOR THE IDAHO ENTITY TRANSACTIONS ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR RELATIONSHIP TO OTHER LAWS, TO REQUIRE NOTICE TO, APPROVAL BY OR CONSENT OF A GOVERNMENT AGENCY OR OFFICIAL, TO PROVIDE FOR THE STATUS OF FILINGS, TO PROVIDE FOR NONEXCLUSIVITY OF TRANSACTIONS, TO PERMIT REFERENCE TO EXTERNAL FACTS, TO PROVIDE FOR ALTERNATE MEANS OF APPROVAL OF TRANSACTIONS, TO LIMIT APPRAISAL RIGHTS, TO PROVIDE FOR EXCLUDED ENTITIES AND TRANSACTIONS, TO PROVIDE FOR THE AUTHORIZATION

OF CERTAIN MERGERS, TO PROVIDE FOR A PLAN OF MERGER, TO PROVIDE FOR THE APPROVAL OF A PLAN OF MERGER, TO PROVIDE FOR THE AMENDMENT OR ABANDONMENT OF A PLAN OF MERGER AND FOR A STATEMENT OF ABANDONMENT, TO PROVIDE FOR A STATEMENT OF MERGER AND FOR THE EFFECTIVE DATE OF A STATEMENT OF MERGER, TO PROVIDE FOR THE EFFECT OF A MERGER, TO AUTHORIZE CERTAIN INTEREST EXCHANGES, TO PROVIDE FOR A PLAN OF INTEREST EXCHANGE, TO PROVIDE FOR THE APPROVAL OF A PLAN OF INTEREST EXCHANGE, TO PROVIDE FOR THE AMENDMENT OR ABANDONMENT OF A PLAN OF INTEREST EXCHANGE AND FOR A STATEMENT OF ABANDONMENT, TO PROVIDE FOR A STATEMENT OF INTEREST EXCHANGE AND THE EFFECTIVE DATE OF A STATEMENT OF INTEREST EXCHANGE, TO PROVIDE FOR THE EFFECT OF AN INTEREST EXCHANGE, TO AUTHORIZE CERTAIN CONVERSIONS, TO PROVIDE FOR A PLAN OF CONVERSION, TO PROVIDE FOR THE APPROVAL OF A PLAN OF CONVERSION, TO PROVIDE FOR THE AMENDMENT OR ABANDONMENT OF A PLAN OF CONVERSION AND FOR A STATEMENT OF ABANDONMENT, TO PROVIDE FOR A STATEMENT OF CONVERSION AND FOR THE EFFECTIVE DATE OF A STATEMENT OF CONVERSION, TO PROVIDE FOR THE EFFECT OF A CONVERSION, TO AUTHORIZE CERTAIN DOMESTICATIONS, TO PROVIDE FOR A PLAN OF DOMESTICATION, TO PROVIDE FOR THE APPROVAL OF A PLAN OF DOMESTICATION, TO PROVIDE FOR THE AMENDMENT OR ABANDONMENT OF A PLAN OF DOMESTICATION AND FOR A STATEMENT OF ABANDONMENT, TO PROVIDE FOR A STATEMENT OF DOMESTICATION AND FOR THE EFFECTIVE DATE OF A STATEMENT OF DOMESTICATION, TO PROVIDE FOR THE EFFECT OF A DOMESTICATION, TO PROVIDE FOR CONSISTENCY OF THE LAW, TO PROVIDE RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND COMMERCE ACT, TO PROVIDE REQUIREMENTS FOR FILING OF DOCUMENTS, TO PERMIT THE SECRETARY OF STATE TO PRESCRIBE AND FURNISH FORMS, TO PROVIDE FOR FILING, SERVICE AND COPYING FEES, TO PROVIDE FOR THE EFFECTIVE DATE OF A DOCUMENT, TO PROVIDE FOR CORRECTING A FILED DOCUMENT, TO PROVIDE FOR THE FILING DUTIES OF THE SECRETARY OF STATE, TO PROVIDE FOR THE APPEAL FROM REFUSAL OF THE SECRETARY OF STATE TO FILE A DOCUMENT, TO PROVIDE FOR THE EVIDENTIARY EFFECT OF A COPY OF A FILED DOCUMENT, TO PROVIDE FOR A PENALTY FOR SIGNING A FALSE DOCUMENT, TO PROVIDE POWERS OF THE SECRETARY OF STATE AND TO PROVIDE A SAVINGS CLAUSE; AMENDING SECTION 30-1-858, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF SECTIONS 30-18-206 AND 30-18-110, IDAHO CODE; AMENDING PART 11, CHAPTER 1, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-1-1100, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF THE IDAHO ENTITY TRANSACTIONS ACT; AMENDING SECTION 30-3-50, IDAHO CODE, TO PROVIDE ADDITIONAL CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING PART 1, CHAPTER 3, TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 30-3-100A, IDAHO CODE, TO PROVIDE

FOR THE APPLICABILITY OF THE IDAHO ENTITY TRANSACTIONS ACT; AMENDING SECTION 30-1309A, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF THE IDAHO ENTITY TRANSACTIONS ACT; AMENDING SECTION 30-1312, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF THE IDAHO ENTITY TRANSACTIONS ACT; AMENDING PART 11, CHAPTER 2, TITLE 53, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 53-2-1100, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF THE IDAHO ENTITY TRANSACTIONS ACT; AMENDING SECTION 53-3-101, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING PART 9, CHAPTER 3, TITLE 53, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 53-3-901A, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF THE IDAHO ENTITY TRANSACTIONS ACT; AMENDING CHAPTER 6, TITLE 53, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 53-660A, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF THE IDAHO ENTITY TRANSACTIONS ACT; AND PROVIDING AN EFFECTIVE DATE.

**S 1010, S 1011, S 1012, S 1013, S 1014, S 1015, S 1016, S 1017, S 1018, and S 1019** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HCR 6**, by State Affairs Committee, was introduced and read at length.

On motion by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 6** were suspended.

The President announced that **HCR 6** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **HCR 6** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

Senator Cameron was recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 11:30 a.m., Wednesday, January 17, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary